

Backgrounder for OITA monthly meeting with OCSPP AA Alex Dunn, April 7, 2020

Background

- The USMCA implementing legislation requires that USTR provide Congress with an assessment of the environmental regimes in Canada and Mexico and their respective capacity to implement their environmental obligations under USMCA.
- The report, which will be updated periodically, also is to identify gaps in Mexico and Canada that might require action, possibly including regulatory measures or capacity building, to address.
- In its capacity as Chair of the newly-established USMCA Interagency Environment Committee for Monitoring and Environment (IECME), USTR asked IECME members to identify high priority gaps.
- At Jane's request, OCSPP provided text to OITA identifying concerns with Mexico's regulation of chemicals and pesticides.
- Jane shortened the text (see below) and gave it to Chad on March 30th for his review.
- Chad forwarded the text on March 30th but USTR has yet to provide any feedback.
- USTR has not indicated when it will release a draft of the assessment/gaps report for interagency review/comment but has stated that the report is due to Congress no later than May 28th.

Suggested talking points

- Thank you for your text on concerns with Mexico's regulation of chemicals and pesticides.
- I agree that this is worthy of incorporation into the USMCA assessment/gaps report to Congress.
- I submitted your text to USTR on March 30th and await feedback.
- We have not received a draft of the assessment/gaps report for interagency review and will work closely with OCSPP in reviewing the document.

Chemical/Pesticide Regulation (as sent to USTR):

Mexico's repeated rejections of chemical/pesticide import permit applications from U.S. manufacturers are a significant and growing problem for both EPA and U.S. industry. The export of products such as glyphosate (active ingredient in Roundup) and other active ingredients have been stopped at the U.S.-Mexico border, despite having the appropriate permits. Mexico's Ministry of Environment (SEMARNAT) has stated the rejection of these imports is due to the high environmental risks to human health and the environment posed by such products and active ingredients. However, domestic regulations are either inconsistent with such statements or have not gone through a transparent domestic process with the appropriate notification to the World Trade Organization (WTO).

In addition, there is a lack of transparency regarding Mexico's implementation of multilateral environmental agreements to which it is a Party. Mexico does not seem to have the domestic regulations in place to implement, or consistently implement, those obligations. For example, Mexico's obligations under the Rotterdam Convention have been used as a reason to block chemical/pesticide imports from the U.S., yet the underlying domestic regulations do not appear to have been executed transparently or adequately. There are also multiple amendments to the Stockholm Convention that Mexico has ratified, but for which there are no apparent underlying domestic prohibitions.